

Appl. No. 09/187,358
Amdt. dated March 18, 2005
Response to Office action dated March 11, 2005

Amendments to the Drawings:

The first sheet of drawings includes changes to Fig. 3. This sheet, which includes Fig. 3, replaces the original sheet including Fig. 3.

The second sheet of drawings includes changes to Fig. 4. This sheet, which includes Fig. 4, replaces the original sheet including Fig. 4.

Attachments: Two (2) Replacement Sheets

REMARKS/ARGUMENTS

On March 31, 2004, the Board of Patent Appeals and Interferences ("the Board") issued a decision affirming the Examiner's rejection of pending independent claim 1, and dependent claims 2 and 7 through 14. The Board also noted that because the rejection of dependent claim 15, which was the only remaining active claim, had been withdrawn, claim 15 was not rejected.

Thereafter, the Examiner issued an Office action, dated August 12, 2004, in which the Examiner cancelled claims 1, 2 and 7 through 14, and required placing dependent claim 15 in independent form.

By certificate of mailing, applicants filed an amendment, dated September 7, 2004, in response to the above-noted Office action, dated August 12, 2004.

In the amendment of September 7, 2004, applicants remarked that:

On March 31, 2004, the Board of Patent Appeals and Interferences ("the Board") issued a decision affirming the Examiner's rejection of pending independent claim 1, and dependent claims 2 and 7 through 14. The Board also noted that because the rejection of dependent claim 15, which was the only remaining active claim, had been withdrawn, claim 15 was not rejected.

On August 12, 2004, the Examiner issued the above-noted Office action, in which the Examiner cancelled claims 1, 2 and 7 through 14, and required placing dependent claim 15 in independent form.

Accordingly, applicants have rewritten claim 15 to incorporate therein the substance of independent claim 1, from which claim 15 depended.

The Examiner relied on MPEP § 1214.06 to support the cancellation of claims 1, 2 and 7 through 14. MPEP § 1214.06 I.(B)(2) provides that the Examiner is to set a one-month time limit in which appellant may rewrite the dependent claim(s) in independent form. More particularly, this MPEP section further provides that, "If no timely reply is received, the examiner will cancel all rejected and objected to claims and issue the application with the allowed claims only."

Applicants submit that claims 2 and 7 through 14 would have been allowable if amended to depend from rewritten independent claim 15. In view of the premature cancellation of claims 2 and 7 through 14, applicants do not have the opportunity to amend these claims. Therefore, applicants introduce new claims 16 through 24, which correspond directly to claims 2 and 7 through 14, respectively, all of which depend directly or indirectly from rewritten independent claim 15.

Applicants submit that, for the reasons that rewritten independent claim 15 distinguishes over the prior art, new claims 16 through 24 also distinguish over the prior art, and hereby requests the allowance of claims 15 through 24.

In the amendment of September 7, 2004, applicants' undersigned representative neglected to place the appropriate status identifier following the claim number of each of new claims 23 and 24. In response to this error, the Examiner issued an Office action, dated March 11, 2005, noting the error in the status identifiers. This amendment, dated March 18, 2005, is a response to the Office action of March 11, 2005, to correct the above-noted error.

Since the purpose of the Office action of March 11, 2005, was to note the error of the improper status identifiers only, in this amendment of March 18, 2005, applicants have retained herein the status identifiers of claims 15 through 22, as they appeared in the amendment of September 7, 2004, and have corrected the status identifiers of claims 23 and 24. Therefore, the status identifiers of all of the active claims 15 through 24 appear herein as they were intended to appear in the amendment of September 7, 2004.

is filed in response to the Office action, dated March 11, 2005, in the above-identified application. An amendment, dated September 7, 2004, was previously filed in response to the Office action, dated August 12, 2004, in the above-identified application, following a decision by the Board of Patent Appeals and Interferences. Please amend this application as indicated below and consider the remarks following thereafter. Accordingly, applicants have rewritten claim 15 to incorporate therein the substance of independent claim 1, from which claim 15 depended.

For the foregoing reasons, applicants hereby request the allowance of claims 15 through 24.

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Applicants submit that this application is in condition for allowance, and hereby solicits such allowance.

If the Examiner wishes to discuss this response paper, or any aspects of this application, the Examiner should call applicant's representative, J. Bruce Hoofnagle, at 410 442-2417.

Respectfully submitted,



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